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# Editor's Foreword

## *Ch-ch-changes*

By Benjamin G. Shatz, Editor-in-Chief



**Benjamin G. Shatz**

**T**he late, great David Bowie exhorted us to “turn and face the strange ch-ch-changes.” Well, if ever that time has come, it’s now: in our nation, in our State, and in our Bar. We have a unique administration in Washington to keep us glued to our news sources of choice. Closer to home, our Golden State has essentially legalized marijuana. But put those concerns about stoned drivers at ease: self-driving robot cars are just around the corner!

For a look at the future that is here right now, this issue offers Ray Johnson’s article bringing us up to speed in *Robot Vehicles and the Real World*. So many drivers already seem like they’re not paying attention to the road, perhaps self-driving cars will help. But then there are the drivers who simply can’t pay attention, not with all the groovy colors to dig and

Cheetos to munch. Reefer madness has nothing to do with scuba diving and much to do with legalized marijuana. Joaquin Vazquez lays out the latest in *Joint Laws Transforming California*.

Returning to more pedestrian litigation issues, we have a pair of articles on everyday bread-and-butter lawyering: John Conti gives us *The Opening Statement for the Defense*, and Alison Buchanan presents *Identifying and Avoiding the Unauthorized Practice of Law in a Global Economy*.

Next, Marc (that’s with a ‘c’!) Alexander returns with a book review—despite your abashed editor-in-chief misspelling his name wrong in the last issue’s foreword. (Because it is written last—and often at the last moment—the foreword is really the last-word, and receives the weakest editing.) Marc (still with a ‘c’) analyzes UCI’s Professor Catherine Fisk’s book *Writing for Hire: Unions, Hollywood and Madison Avenue*, a tale filled with law, show business, and the real “mad men.”

We conclude with some personal reflections. Bowie said, “You would think that a rock star being married to a supermodel would be one of the greatest things in the world. It is.” Well, Bowie never graced the pages of *California Litigation*, but we have some stars of our own to spotlight. Yen-Shyang Tseng shares insights gleaned from his First Appellate Argument. And we close with Trial Lawyer Hall of Famer Ephraim Margolin, who shares such interesting tales that the editing process trimmed this piece with little more than a haircut. Indeed, you may

notice that this issue contains somewhat fewer (yet longer) articles than usual. This was a conscious choice, because this issue’s submissions were just so gosh darned good at their full lengths, we went with the directors’ cuts. We hope you can handle the ch-ch-change.

Also of note, our fearless Section leader bring us up to date on the latest developments transforming our State Bar. Our unified Bar is engaged in a form of mitosis, separating regulatory functions from trade association functions, with the latter offspring housing the Sections, including your Litigation Section. This is no “Space Oddity”; this is how many state bars nationwide are structured. But this is a huge change for California. Bowie said, “I don’t where I’m going from here, but I promise it won’t be boring.” That applies here too.

Don’t sit idly by in “strange fascination” at what’s happening. Now more than ever is the time to get involved with your Section. “Changes” was originally released on Bowie’s 1971 album *Hunky Dory*. If our State Bar and other ch-ch-changes are to make for a hunky dory future, we need the full participation of lawyers like you.

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# No, 42 is Not the Answer!

By Editor-in-Chief-in-Error, Benjamin G. Shatz

In the classic novel *The Hitchhiker's Guide to the Galaxy* by Douglas Adams, pan-dimensional, hyper-intelligent beings create a supercomputer called Deep Thought to figure out the answer to the ultimate question of life, the universe, and everything. After seven and a half millions years to compute and check the answer, Deep Thought finally presented its answer, which was the number 42. This answer was rather disconcerting.

Similarly disconcerting was how our last issue presented a chart on page 14 accompanying Professor Uelmen's article on the California Supreme Court that inexplicably contained numerous errors, including the astounding figure that Justice Corrigan had supposedly published a large number of dissenting opinions in the 2015-2016 fiscal year: 42 dissenting opinions, according to the table, to be precise. And that's precisely—and obviously—wrong, of course.

Accordingly, recognizing that 42 is not always the answer—and can be a disturbingly wrong answer—we present the correct figures below, and hope that our 42 was not nearly as upsetting as Deep Thought's.



**Corrected TABLE I: OPINION PRODUCTIVITY (FY 2015-16)**

Justice	Majority Opinions	Concurring Opinions	Dissenting Opinions
Cantil-Sakauye	12	1	4
Chin	12	0	5
Corrigan	12	2	4
Werdegar	13	1	2
Liu	11	7	1
Cuéllar	8	3	1
Kruger	9	1	2
<b>TOTALS</b>	<b>77</b>	<b>15</b>	<b>19</b>